IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

LA.App..No. 478 of 2007(D)

LAR.280/1996 of PRL.SUB COURT, KOZHIKODE

.....

APPELLANT: RESPONDENT IN THE LAR:

STATE OF KERALA,
REP. BY THE SPECIAL TAHSILDAR LA(NH-II),KOZHIKODE.

BY GOVERNMENT PLEADER SRI.L.G.SURESH BABU.

RESPONDENTS: CLAIMANT IN THE LAR:

---

1. JANU, W/O. PADISSERY IMBICHUNHAN,
PARAMBATH, THALAKKULATHUR AMSOM DESOM, OF
KOZHIKODE TALUK.

2. HARIDASAN, S/O.PADISSERY IMBICHUNHAN,
THALAKKULATHUR AMSOM, DESOM OF KOZHIKODE TALUK.

3. VALSALA, D/O.PADISSERY IMBICHUNHAN,
PARAMBATH, THALAKKULATHUR AMSOM DESOM, OF
KOZHIKODE TALUK.

4. SHAJAN, S/O. PADISSERY IMBICHUNHAN,
PARAMBATH, THALAKKULATHUR AMSOM, DESOM OF
KOZHIKODE TALUK.

5. BIJU, S/O. PADISSERY IMBICHUNHAN,
PARAMBATH, THALAKKULATHUR AMSOM, DESOM OF
KOZHIKODE DISTRICT.

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 24/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.PADMANABHAN NAIR, J.

L.A.A.No. 478 of 2007

Dated this the 24th September, 2007.

J U D G M E N T

This appeal is filed against an award passed in L.A.R.No.280/1996, on the file of the Subordinate Judges' Court, Kozhikode. L.A.R.No.280/1996 was tried along with LAR.Nos.107/97, 124/97, 125/97, 127/97, 131/97 and 175/1997, and common judgment was passed in the above cases. Challenging the decree passed in the connected cases, the State had filed L.A.A.Nos.139/00, 418/2007, 357/2007, 74/2000, 654/2007 and 988/1999 respectively. L.A.A.No.418/2007 is still pending. It is seen that L.A.A.Nos.988/1999 129/2000, 137/2000, 139/2000, 410/2000 and 749/2000 were heard together. Those appeals were allowed and decree and judgment passed by the Land Acquisition Court was set aside and those cases were remanded to the Subordinate Judges' Court for further evidence. In view of the judgment passed in the connected appeals, the decree passed in this case is also liable to be set aside. I do so.

In the result, this appeal is allowed. The decree and judgment passed in LAR.No.280/1996 are hereby set aside, and the case is remanded to the trial court, for fresh disposal in accordance with law.

However, it is made clear that the State, as well as the Claimants are allowed to adduce further evidence, if so advised.

Parties shall appear before the court below on 30.10.2007.

K.PADMANABHAN NAIR,
JUDGE

nj.